

## **REMARKS**

Entry of the foregoing, and further and favorable consideration of the subject Application in view of the following remarks are respectfully requested.

By the present amendment, claim 9 has been amended to more clearly define the subject matter claimed therein. No new matter has been added by the present amendment.

### ***1. Formal Matters***

Applicants renew their traversal of the restriction requirement in this case. Nevertheless, Applicants gratefully acknowledge the Examiner's willingness, expressed at page 2 of the Official Action, to consider rejoining the method claims in this case with the pending protein claims, once the pending claims have been found to be otherwise allowable.

### ***2. Oath/Declaration***

At page 2 of the Official Action, the Examiner notes apparent deficiencies in the oath and declaration as originally filed. Without conceding to the Examiner's arguments, attached hereto is a substitute Oath & Declaration.

### ***3. Claim Objections***

The Examiner notes, at page 2 of the Official Action, that "claim 9 can be improved by placing the word 'a' at the beginning of the claim." Applicants maintain that claim 9 fully complies with the statutory requirements for patentability. Nevertheless, in an effort to expedite prosecution, by the present Amendment claim 9 has been amended as suggested by the Examiner.

#### **4. Claim Rejections - 35 USC §102**

Claims 9, 12, and 13 are rejected under 35 USC §102(b) as purportedly anticipated by Palma et al. (J. Biol. Chem. 273:13177, 1998). This rejection is respectfully traversed.

The present application claims priority benefit from Swedish priority application 9202720-0, filed on September 21, 1992, from Swedish priority application 9302955-01, filed on September 13, 1993, and from PCT/SE93/00759, filed on September 20, 1993. Consequently, Palma et al., which was published in 1998, is not properly cited as prior art under 35 USC §102(b) against the rejected claims, as it was not published more than one year prior to Applicants' priority date. Withdrawal of this rejection is thus respectfully requested.

Claims 9, 12, and 13 are rejected under 35 USC §102(b) as purportedly anticipated by Bodén et al. (Microbial Pathogenesis 12:289, 1992). This rejection is respectfully traversed.

The present application claims priority benefit from Swedish priority application 9202720-0, filed on September 21, 1992, from Swedish priority application 9302955-01, filed on September 13, 1993, and from PCT/SE93/00759, filed on September 20, 1993. Consequently, Boden et al., which was published in 1992, is not properly cited as prior art under 35 USC §102(b) against the rejected claims, as it was not published more than one year prior to Applicants' priority date. Withdrawal of this rejection is thus respectfully requested.

#### **5. Conclusion**

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,  
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